

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

November 16, 2011

Chair William C. Nugent called the meeting to order at 7:10 p.m. and announced that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

Attendance Roll Call:

Christina Albrecht	present	7 - 9:00pm	William C. Nugent	present	Wendy Sheay	absent
Jane Butula	present		Tanya Rohrbach	present	Donna Simon	absent
Beatrice Muir	present					

Also Present: Board of Health Engineer, Ferriero Engineering, Inc. representative Joe Kosinski
Hunterdon County Dept. of Health – Debra Vaccarella 7 – 8:00 pm

A. APPROVAL OF THE MINUTES

1. **Minutes** of March 16, 2011. (- Albrecht, Butula, Rohrbach vote).

Deferred.

2. **Minutes** of October 19, 2011. (- Rohrbach, Sheay vote).

A **MOTION** was made by Ms. Butula to approve the minutes. The motion was seconded by Ms. Albrecht.

On roll call vote, the following was recorded for approval of the 10/19/11 minutes:

Ms. Albrecht Aye Ms. Butula Aye Ms. Muir Aye Ms. Rohrbach Aye Chair Nugent Aye

B. CORRESPONDENCE

1. **NALBOH** – Newsbrief , 3rd quarter 2011.

Ms. Butula noted the article on the 4 functions of public health, she will contact Mr. Beckley on when His assessments were made.

2. **Block 14/Lot 4** – NJDEP –dated 10/20/11 – No further action letter.

3. **HCDH LINCS** - 11/1/11 Information: Cold Weather & Storm Svcs. Available to Residents.

www.co.hunterdon.nj.us www.foodsafety.gov www.bt.gov/disasters/winter/afterstorm

4. **Suspected Hazardous Discharge Notification** letter dated 10/7/11 regarding oil heating #2.

5. **Suspected Hazardous Discharge Notification** letter dated 10/8/11 regarding oil heating #2.

6. **Suspected Hazardous Discharge Notification** letter dated 10/13/11 regarding oil heating #2.

7. **Suspected Hazardous Discharge Notification** letter dated 10/15/11 regarding oil diesel.

Ms. Butula asked Ms. Vaccarella if this would be followed up on. Ms. Vaccarella stated that she would follow up and get back.

8. **HCDH LINCS** - 11/9/11 Information: Vaccine Preventable Disease Program Updates.

www.lexisnexis.com/njoal www.nj.gov/health/cd/documents/instruction_viewing_regulations

Chair Nugent stated that this item requires vaccinations, and noted that there is also an exclusion opportunity for religious and other reasons that is not mentioned here, and does anyone know if that doesn't exist for this situation. Ms. Butula stated that there are very few religious allowances, it may be difficult to get confirmation to follow up. Health reasons due to allergies are more likely.

C. OLD BUSINESS

1. **Board of Chosen Freeholders** – letter dated 10/20/11. Response to Readington Twp. Board of Health letter dated 10/3/11 regarding public health nursing services.

Chair Nugent stated that this has been communicated with the committee. Mr. Holt has been invited to the 11/21/11 committee meeting.

2. **October 19, 2011 agenda item B. 10. NJDEP letter** regarding potable well water analyses in vicinity of the EXXON, Rt. 22 W.

Ms. Butula asked Ms. Vaccarella if anyone from the public sector had contacted her regarding this report.

Ms. Vaccarella stated that she had not been contacted.

D. NEW BUSINESS

E. APPROVALS

Category A. – Single Lots

1. Block 75/Lot 19 – VanCleaf Engineering, Profeta, Route 202/Summer Road.

Escrow fees paid 5/19/11, 7/19/11, 8/10/11 Cks. # 13610, 13657, 13923 \$750.00.

Data mailed 7/25/11.

Previously heard 8/17/11.

Ms. Lloyd Tubman, Esq., Acher & Greiner represented Pleasant Run LLC, principal Paul Profeta. This application was before the board two months ago. Based upon one day of the testing, this board determined that it could not find that there was not an artesian condition. Because of that decision, they will apply for a Treatment Works Approval from NJDEP. That requires both a resolution of this board and a signature on the NJDEP's WQM003 form. The signature could be by the board engineer, authorized by resolution, but both of those must happen. Secondly, the applicant asks for a conditional approval for a pump system. In the event that DEP approves the TWA they will need a pump system both because of topography and because the laterals exceed 600' in length. In order to avoid further cost to their client, it is requested that both actions be taken this evening. They are aware that a deed restriction is required for a pump system, and if they have a TWA approval, the deed restriction will be filed.

Chair Nugent stated that the resolution is drafted, but as far as granting the conditional approval for the pump system and the deed restriction. At this point it is not known what the state will approve, and whether what is in front of the board now is in fact what will be proposed or installed and whether a) the pump system will be required, or b) without having had our opportunity to review what ultimately is designed to make sure that it conforms with any other concerns the board may have as well as the fact that it has exercised all the other possibilities for a different design that would limit the necessity for a pump system. So from that perspective he would not vote for a conditional approval of the deed restriction.

Ms. Tubman stated that if the approval were conditional upon the NJDEP approving the system as designed, then there is no reason for them to come back, if they would approve on that basis.

Chair Nugent stated that the term conditional is something that this board has never done, they do not grant conditional approvals, as standard protocol.

Ms. Tubman asked what the other board members felt.

Ms. Muir asked that the NJDEP determines suitability and design, and when they are approving the design they are also looking at the pump system, is that correct ?

Ms. Tubman stated yes that is true.

Ms. Muir asked if the County was involved in that decision from a design perspective?

Ms. Vaccarella stated that if the application is fully approved by the NJDEP, then it is not approved by the County.

Ms. Tubman stated yes, it is fully approved by NJDEP.

Ms. Muir stated that it seems to be redundant for this Board to review it if the state has ultimate authority over it, the County is not involved in looking or approving the design after the state has made a decision.

Ms. Vaccarella stated that in previous applications, they were the signatures of the WQM003, and then what is checked off is what is or is not in compliance.

Mr. Kosinski stated that the state is principally concerned with the aspect of the application that doesn't conform to NJAC 7:9A, that is the reason for the county review prior to submittal to the NJDEP and the county sign off or the Board engineer's sign off. The state will specifically be concerned with that aspect of the application that doesn't conform. They will review the application as a whole and potentially request some revision but that's the aspect of the application that they'll be concerned with.

Ms. Butula asked if they put a stamp of approval on the design as submitted or does it come back to the county.

Mr. Kosinski stated the application gets approved by the NJDEP, so you could say the design would get approved.

Ms. Butula stated so they wouldn't even come back to us.

Ms. Tubman stated that they would only have to come back for a pump system variance because Readington's ordinance makes it a variance. The state rules say that you cannot have a gravity line based upon the laterals of 600' or greater in length. So they would be coming back for no reason other than to have the board vote on a variance for a design that the state has approved.

Ms. Butula asked Mr. Kosinski if the state would also be involved with the failing basin floods, 6 and 6A?

Mr. Kosinski stated that because they will be concerned with the potential of an artesian condition, they will look at the soil suitability as a whole. The potential is there for the state to ask for more data, a change in the elevation of the system predicated on submitted data. They will probably look at the permeability and all the

aspects of the groundwater investigation and the suitability investigation.

Ms. Butula stated that the reason she asked is because the proposal does not mention that specific issue, so that will be part and parcel of it.

Mr. Kosinski stated that he would suggest they review the basin flood test to try and determine if there is a potential for hydraulically restrictive horizons and an artesian condition, they would be interested to see how that ties into potential for that condition. They will have to look at all that data and come to a decision.

Chair Nugent pointed out to the board members that they are not approving the application, but to grant a waiver and variance for a pump system and the associated deed restriction for an application that they didn't approve strikes him as being contrary.

The board members agreed that they would like the applicant to return after the TWA is approved.

Chair Nugent stated that for the boards consideration, a resolution has been prepared that will be read into the record.

Ms. Butula read into the record, and made a motion for approval for the Board of Health:

Readington Township Board of Health
Resolution BH-R-2011-03

11/16/11

WHEREAS Pursuant to N.J.A.C. 7:9A, the Readington Township Board of Health (RTBOH) is the Administrative Authority in this matter, and

WHEREAS on May 19, 2010 the RTBOH did receive an application for new construction of an individual subsurface sewage disposal system submitted by Robert E. Lorentz, P.E., C.M.E. for Pleasant Run LLC, Block 75, Lot 19, and

WHEREAS on May 09, 2011 the RTBOH did receive an application for new construction of an individual subsurface sewage disposal system submitted by Peter G. McCabe, Van Cleef Eng. Assoc. for Pleasant Run LLC, C/O Paul Profeta, Block 75, Lot 19 located at 805 Route 202 and the corner of Summer Road, in Readington Township, Hunterdon County, New Jersey, and

WHEREAS the applicant's address is 769 Northfield Ave, West Orange, NJ 07052, Phone 973-325-1300, and

WHEREAS previous testing and original work was done by Robert F. Lorentz P.E., NJ Licensed Engineer number 16720, of Heritage Consulting Engineers, 115D US Highway 202, Ringoes, NJ 08551, phone (908) 782-3400, email address hce@heritagece.com and

WHEREAS the applicant's engineer is Peter G. McCabe, VanCleaf Engineering Associates, Rt.31, Lebanon, NJ 08833, phone 908-735-9500, email address pmccabe@vcea.org, and

WHEREAS on August 17, 2011, the RTBOH considered the application of Pleasant Run LLC, Paul Profeta, manager/principal, Block 75, Lot 19 for the new construction of a individual subsurface sewage disposal system, and

WHEREAS Mr. Gregg Barkley, NJ licensed engineer from VanCleaf Engineering represented this applicant appearing before the Readington Township Board of Health on the August 17, 2011, and

WHEREAS the applicant's attorney appearing before the Readington Township Board of Health on August 17, 2011 was Lloyd Tubman, Esq. of the law firm Archer & Greiner, Plaza One, 1 State Route 12, Suite 201, Flemington, NJ 08822, phone 908-788-9700, and

WHEREAS the application is for construction of a farm stand with a second floor containing 14,000 square feet of office and conference space, and

WHEREAS a well exists on the property and was installed for agricultural use, and

WHEREAS Heritage Consulting Engineers did submit a letter to the RTBOH dated June 25, 2010, and

WHEREAS Van Cleef Engineering Associates did submit to the RTBOH letters dated May 6, 2011 and July 1, 2011 and July 20, 2011

WHEREAS a Boundary & Topographic Survey was submitted for Pleasant Run LLC, Block 75 – Lot 19, and dated May 22, 2009 and performed by Patrick H. Fatton, NJ license number 35361, and

WHEREAS a 3 page report dated June 10, 2010 from Environmental Technologies Inc was submitted with the application, and

WHEREAS Ferriero Engineering, Inc. 180 Main Street, P.O. Box 571, Chester, NJ 07930, phone (908) 879-6209, email address mail@FerrieroEngineering.com, is contracted by the Readington Township Board of Health to review applications submitted to the RTBOH for new construction, and
WHEREAS Ferriero Engineering, Inc. did review the application materials and provide reviews dated June 4, 2010 and May 18, 2011 and June 7, 2011 and July 12, 2011 and July 29, 2011 and October 5, 2011, and
WHEREAS the Hunterdon County Department of Health is contracted by the BOH to review design plans for subsurface sewage disposal systems, and
WHEREAS the applicant submitted an application to the Hunterdon County Department of Health on September 14, 2011, and
WHEREAS the Hunterdon County Department of Health reviewed the application and provided reviews dated September 23, 2011 and October 3, 2011, and
WHEREAS the Readington Township Board of Health ordinances requires a reserve disposal area, and
WHEREAS the applicant installed 'A' and 'B' piezometers in the primary and reserve disposal areas for in-season groundwater monitoring as per RTBOH ordinances and hydraulic head tests as per RTBOH ordinances and N.J.A.C. 7:9A-5.9, and
WHEREAS The Readington Township Board of Health reviewed the application materials with regard to soils testing and in-season ground water monitoring and hydraulic head tests, and
WHEREAS for the primary disposal area, soil logs H-Sl#4-BF#2 and V-Sl#10 contained a hydraulically restricted horizon, and
WHEREAS for the primary disposal area, in/near soil log V-Sl#10, piezometer #2B, presented an artesian groundwater condition, and
WHEREAS for the reserve disposal area, soil logs H-SL#7 and V-SL#6-FB#6 contained a hydraulically restricted horizon, and
WHEREAS for the reserve disposal area, in/near soil log V-SL#6-FB#6, piezometer #1B presented an artesian groundwater condition, and
WHEREAS the Readington Township Board of Health "may not allow (approve)..." an application where an artesian zone of saturation exists, pursuant to N.J.A.C. 7:9A-5.9 (c) 2 i which states: "A water level in piezometer B which is above the bottom of the hydraulically restrictive horizon means an artesian zone of saturation is present below the hydraulically restrictive horizon. Excavation and removal of the hydraulically restrictive horizon in order to install a soil replacement or mounded soil replacement disposal field shall not be allowed.", and
WHEREAS Readington Township Board of Health ordinances incorporate N.J.A.C. 7:9A by reference, and,
WHEREAS this application does not conform with N.J.A.C. 7:9A-5.9 (c) 2 i and thereby does not conform to municipal ordinances,

NOW THEREFORE BE IT RESOLVED by the Readington Township Board of Health (RTBOH), that this application for Block 75, Lot 19, Pleasant Run LLC cannot be approved due to the presence of an artesian groundwater condition in both the proposed primary and the proposed reserve disposal areas and pursuant to N.J.A.C. 7:9A-5.9 (c) 2 i, and,

BE IT FURTHER RESOLVED by the RTBOH, that the RTBOH takes no exception to the applicant filing for a Treatment Works Approval (TWA) with the New Jersey Department of Environmental Protection, and does hereby authorize its engineering firm, Ferriero Engineering, Inc. to sign on its behalf documents required for the submission of a TWA by the applicant, and,

BE IT FURTHER RESOLVED by the RTBOH, that due to the RTBOH ordinances incorporation of N.J.A.C. 7:9A, the authorization of its engineering firm to sign on its behalf DOES NOT authorize the TWA 'Statements of Consent' form's acknowledgement "that the project as proposed conforms with the requirements of all municipal ordinances", and,

BE IT FURTHER RESOLVED by the RTBOH that this resolution shall take effect immediately.

A **MOTION** to approve this resolution BH-R-2011-03 was made by Ms. Albrecht, seconded by Ms. Rohrbach. Ms. Tubman stated that WQM requires a signature and asked if the board was indicating that their engineer would

simply strike on that form the statement that the project complies with all ordinances ? because they do need the signature in order to apply.

Chair Nugent stated that he didn't want to suggest that they specify how to strike out that section whether a strike through or some sort of a change to the form , so he wasn't sure how to do it.

Ms. Tubman stated that they could say 'see attached resolution'.

Mr. Kosinski stated that it was Mr. Ferriero's opinion that that was sufficient. The resolution clarifies that Readington Twp. adopted 7:9A and that all aspects of the application are not in conformance, and that is the reason that the applicant is going for a TWA.

Chair Nugent stated that it states clearly that they will be able to sign the form WQM 003, the statement of consent.

Ms. Tubman thanked the board.

On roll call vote, the following was recorded for approval of Resolution BH-R-2011-3:

Ms. Albrecht Aye Ms. Butula Aye Ms. Muir Aye Ms. Rohrbach Aye Chair Nugent Aye

Chair Nugent thanked Ms. Vaccarella and Mr. Kosinski for their input.

Heard @ 7:50 p.m.

2. Block 93/Lot 12 – Bohren & Bohren, Miller, Higginsville Road.

Escrow fees paid 1/29/07, # 9857, \$500.; 9/12/11, 308, \$750.00.

Mr. Bob Templin, licensed engineer in N.J. appeared before the board. Mr. Doug Miller also appeared.

This application is for a proposed 5 bedroom dwelling located on Block 93/Lot 2 on Higginsville Road.

Soil tests were performed on the lot generally in the northeasterly section of the tract.

Ms. Butula asked Mr. Templin to review the plans specifying the wetlands and easements.

Mr. Templin stated that there is are several utility easement s running through the property, there is a 100' wide NJPL easement running roughly through the center of the property. Traversing from east to west are two right-of-ways, the Roseland Lambertville and the Branchburg Hindrick Island right-of-way, public service easements. The railroad right-of-ways on the north northeasterly and the southwesterly boundaries.

Chair Nugent asked if the edge of the Roseland right-of-way was not marked on the detail, and the NJ Power & Light is not marked?

Mr. Templin stated yes, you are correct, the Roseland goes through the wetland area located to the northerly part of the detail, a few feet of the NJP&L is within that.

Ms. Muir asked if the stream corridor for the South Branch of the Raritan River was indicated ?

Mr. Templin stated it is on the other side of the Black River and Western Railroad, south of the property. The location of the soil testing and proposed septic system is a significant distance from the right-of-way, let alone the tributaries or the river, it is approximately 500'.

Ms. Muir asked what was meant by 'assumed wetland buffer' ?

Mr. Templin stated that generally the wetlands in this area are 50' buffers. They have not submitted for an LOI. There was some discussion regarding the clarity of the map, the overall plan.

Ms. Butula asked if it were permissible for the testing to be done in that buffer area?

Mr. Kosinski stated that the soil logs were conducted within the buffer, unfortunately we have found that it is something that happens if testing is done in advance of a wetlands delineation. Since the proposed construction is outside of the buffer, it is without consequence at this point but typically you don't want to enter a wetland or transition area. If the area has been restored, it should not require a variance.

Ms. Muir stated that we require the testing to be done in undisturbed soil.

Mr. Kosinski stated that is correct. From the wetlands perspective, it is not consequential.

Ms. Butula confirmed that this may be considered because the actual bed is on the other side of the line.

Mr. Kosinski stated that is correct.

Ms. Butula stated the testing is a little over, but there is no intention of putting the bed in that area, in a buffered area, which would not be allowed.

Mr. Kosinski stated correct, the proposed disposal beds are within 15' of those logs.

Chair Nugent stated that the testing may have been performed within the buffer zone but in light of the fact that the bed is to be constructed outside of it, it actually would result in potentially more conservative test results.

Chair Nugent asked Mr. Templin how he concluded that the 50' wetland buffer would likely be what the state would determine if in fact an LOI were applied for ?

Mr. Templin stated that the wetland on the map is a small ditch running parallel with the farmland, and is of intermediary value to the farmland and is basically just a hedgerow/field ditch.

Chair Nugent stated that is the one to the northeast, what about the one to the northwest, a centerline stream ?

Mr. Templin stated basically it is draining down to the southwest where there is a larger wetland area, shown on the detail, it is down by the pond area and is more of a wetland.

Ms. Butula stated that it is shown in the photographs which were included.

Chair Nugent asked if Mr. Templin were testifying that the center line stream and the center line ditch indicated on the map do not traditionally have water in them and are flowing? And neither are feeding classified streams ?

Mr. Templin stated not 12 months out of the year, typically it is a rain situation. Neither are feeding any classified streams.

Ms. Butula asked Mr. Kosinski if, considering the report from Bohren & Bohren, knowing that the river is 500' away, would an LOI come back differently ?

Mr. Kosinski stated that there have been instances in the past in their firms experience where a detailed report has been prepared by a qualified wetlands professional, accepted by the board, construction has been initiated only to have it stopped at some time because it has been determined that there was actually a 100' buffer rather than a 50' buffer. The risk and liability are on the applicant. The board can accept the wetlands delineation prepared by Bohren & Bohren and grant an approval but at the end of the day, if the DEP determines that it is an exceptional resource value wetland then the applicant is responsible.

Ms. Butula asked who in those instances became aware and determined that, to get the state involved ?

Mr. Kosinski stated it could be an area resident, typically someone who is familiar with the area, there is not really a mechanism for it.

Ms. Butula stated in Mr. Warford's letter and on the map it states that ultimately, the NJDEP has absolute authority which gives him the caveat to say he has done it to the best of his ability. There is more in depth when you have the LOI.

Mr. Kosinski stated that the potential is always there for the DEP to have an different opinion.

Ms. Muir stated she felt that the 10, 15, 20 year flood map was missing, and would like to see it.

Chair Nugent asked Mr. Templin if the belief is that the wetlands on the property in the detail 1 section of the plan would most likely be of intermediate resource value, however, is he a wetlands expert ? and where in the report that the area would be of intermediate resource value ? The report fails to identify what the wetlands are, intermediate or otherwise.

Mr. Templin stated he is not a wetlands expert, and would have to review the report.

Ms. Butula stated that there is not a summation in this report, as is usually presented to the board.

Chair Nugent stated it is almost as if the conclusion or summary page is missing.

There was some discussion regarding a conclusion page.

Ms. Butula stated that on the map it states that this plan does not certify the location of any other underground structures, tanks, etc., only what he could see on the surface. This property has been around a long time, what is the issue for underground tanks, etc. that could have serviced farm tractors, etc.?

Mr. Kosinski stated in the absence of some geophysical survey, you don't.

Ms. Muir asked if the owner could give the board some idea if there was an underground fuel tank.

Mr. Miller stated no, there has never been. He is well acquainted with and familiar with every inch of the property.

Chair Nugent stated that it would be helpful to the board, if a well water test had been done at the property within the past few years and the results were available.

There was some discussion of the 1300 gallon pump tank and the proposed system.

Mr. Templin stated that he would review this with his client.

The board confirmed that the applicant was aware of the deed restriction and maintenance requirements for the pump system.

Chair Nugent suggested indicating the driveway and farm lane on the plans if any other revisions were made.

There was some discussion of an LOI. The board asked for a more complete wetlands report.

Chair Nugent reminded the applicant that the December meeting is on the 14th, so all revisions and resubmissions should be in to the Board of Health office by November 30, 2011.

There was some discussion of the delineation of the exception area on the plans.

Mr. Kosinski asked if the board wanted that reflected on the soils map, the delineation of the exception area ? The board suggested obtaining the site map for the exception area from the Planning Board secretary for this piece of preserved property.

Mr. Templin and Mr. Miller thanked the board.

There was some discussion of properties that have added fill.

Ms. Muir stated that she was concerned with properties that have added fill to their properties for whatever reason and the effect it has on the land, such as the compaction on the land and the type of soils that would be found in septic testing. It also may alter the flow of the waters within the land because of the compaction problem. The board may be interested in working on an amendment to an ordinance or an ordinance within itself that would deal with both of those problems.

Ms. Butula asked Mr. Kosinski that since every piece of property has the possibility of having been altered either by the aforementioned methods or by abandoned driveways, parking heavy vehicles, etc. What is the responsibility of the engineer that goes to do testing, how much does it bear on him to do this appraisal and to determine what is an unaltered site to test in?

Mr. Kosinski stated that usually the evidence is going to be in the subsurface. When you start digging a profile pit you are going to be able to see whether you are dealing with disturbed ground or not. If you have disturbed ground you usually want to avoid it, otherwise you are filling out the section of Form 2A describing what steps were taken to verify it.

Ms. Muir stated that she is aware of areas that have had fill added, either to build up a low area, for example, to build a race course. These areas are in backyards where there may have to be a septic area at some point.

Mr. Kosinski stated if the topsoil was removed before it was filled, it can be very difficult to determine where that fill stops.

There was some discussion of determining whether or not fill has been added, such as the engineer or the witness or board members look at the historic contours of the land as a method of determining this. The testing that takes place should be in undisturbed ground. One method may be to look at soil contour maps very carefully.

Mr. Kosinski stated that soil contour maps may not be a good method.

Chair Nugent stated that one of the first questions raised was how can the board detect these situations ? If the engineer representing the applicant is honest and forthright and attempts to conceal the original contours were done exceptionally well, there is little opportunity for us to catch it, unless we can examine historical information. Chair Nugent proposed that the board investigate that opportunity, if there is an opportunity to look at a 20 year old aerial photography shot to determine what the property looked like 20 years ago. Would the board be able to from that type of information tell whether someone took something that would have been 12" to the zone of saturation and thereby not permissible for septic system to 30" which would be by adding 1 1/2' of soil fill.

Mr. Kosinski stated that the DEP does not say you can't construct a septic system in disturbed ground, it just needs to be suitable, so you have to do suitability testing. You can fill a site 20' as long as it is suitable.

There was some discussion as to whether or not this is covered by ordinance.

Ms. Butula stated that we use fill enclosed systems all the time, but that is not the testing. It may be helpful to hear from our soil witness what his approach is.

There was a suggestion that the historical contour maps be available at every meeting.

Chair Nugent asked if Mr. Kosinski would be interested in putting together something such as what questions to ask/require that would assist the board in making some determinations ?

Ms. Butula stated good common sense should be brought into this, such as comparison of neighboring properties.

Mr. Kosinski stated there is a comprehensive section of the state code that has already been put together on this subject, it is 7:9A 5.10. The board may want to go through that first, and then consider outlining additional guidelines because it pretty much covers it. The board reserves the right to ask for whatever additional information they need to determine that the soils are suitable for septic system construction, so if that is an aerial photo, or a historic topographic map, the board has the right to request that information if they suspect that the area has been disturbed.

Ms. Muir stated that one issue is that the board does not see the testing results until they are complete, so if the homeowners go forward with testing and it comes to the board and there is some way of ascertaining that it has been altered in some way, the burden is on the applicant. It should be made clear to the applicant and the engineers that the board defines undisturbed soil as having no additional soils added to the area of testing. That may not be clear to the applicants and engineers.

Ms. Rohrbach asked if the term undisturbed and native soil could be used.

Ms. Butula stated that this is already stated on the application form.

Mr. Kosinski stated undisturbed doesn't constitute a problem, unsuitable material does.

Ms. Butula stated that when the ordinances were written, the concern was dynamiting in Hunterdon County.

Mr. Kosinski stated that there is no substitute for actually being on the property and observing the material in the hole.

There was some discussion of using the word 'native' as a description.

Mr. Kosinski stated that he would suggest the board members read the section of the state code as previously mentioned, it is very comprehensive.

Chair Nugent suggested that the board members look at 7:9A 5.10, Form 2A, and interjected that the board members as allowed by state code and Readington ordinances allow this board to request any amount of additional data when questions exist regarding the materials presented to this board. That gives carte blanche to ask for anything. They should also remember that an adjoining homeowner or resident or visiting anybody in the audience were to raise a question, they can use that to ask for additional data as well. Sometimes there is as much knowledge about the conditions, etc., that someone else may know about.

There was some discussion of the description of soils types, as indicated by the soil witness on the forms.

The board does not have comparative measurements of native surface in a designated surrounding area of 25 – 30' of the top soil to the strata layer. In the measurement of topsoil to that hole, a low spot could have been filled in with soil from elsewhere.

Mr. Kosinski stated that that is alright. You can put your field on that.

Chair Nugent stated the question is can you put your system there and the answer is yes, the question is whether they were purposely deceiving this board by virtue of altering the terrain in such a way to allow for something to be installed that normally wouldn't have been.

There was some discussion of the term 'undisturbed soil'.

Chair Nugent stated that the concern is that the testing is being performed in an area that has not been artificially altered to allow for a system that would work or could be passing as working as opposed to one that would never be passed by this board.

Chair Nugent suggested that the board members go back and do their homework in the context of the concern.

Chair Nugent asked if there were any other matters before the board?

There was no response.

F. ADJOURNMENT

A *MOTION* was made by Ms. Butula to adjourn at 9:30 pm, seconded by Ms. Rohrbach with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary